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**EXPRESS MAIL MAILING LABEL****NO. EV260609430US****PATENT****ATTORNEY DOCKET NO. BSC-065CP****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****APPLICANTS:** Gellman et al.**SERIAL NO.:** 09/738,378      **GROUP ART UNIT:** 3739**FILED:** December 15, 2000      **EXAMINER:** Not Yet Assigned**TITLE:** Bone Anchor Placement Device with Recessed Anchor MountAssistant Commissioner for Patents  
Washington, D.C. 20231**Request for Reconsideration of Petition Under 37 CFR § 1.47(a)**

This paper is responsive to a Decision Refusing Status Under 37 CFR § 1.47(a), Paper No. 7, mailed from the Patent Office on February 5, 2002. Please reconsider granting the originally filed Petition in view of the following remarks and the Declaration filed herewith.

**REMARKS**

The originally filed Petition was dismissed for failure to provide proof that the non-signing inventor refused to sign the Declaration after having been presented with the application papers. Specifically, the evidence provided only shows that the non-signing inventor (Stephen Beaudet) was presented with the Combined Declaration and Power of Attorney form and the Assignment form, but not the application papers.

Boston Scientific Corporation ("BSC") has made a second attempt to obtain Stephen Beaudet's signature on a Combined Declaration and Power of Attorney form and an Assignment form for the above-referenced application (the '378 application). BSC caused to be mailed a copy of the '378 application as filed, including specification, claims, and drawings, along with the Combined Declaration and Power of Attorney and Assignment forms. Mr. Beaudet again

refused in writing to execute the Combined Declaration and Power of Attorney and Assignment forms.

In support of this Request and the originally filed Petition, enclosed herewith are proofs of the pertinent facts by Declaration of Cathleen K. Dyer under 37 C.F.R. § 1.47(a), with attached Exhibits A-C. Ms. Dyer is a legal assistant for BSC. As stated therein, BSC attempted to obtain Mr. Beaudet's signature on a Combined Declaration and Power of Attorney form, and an Assignment form for the '378 application. In response, Mr. Beaudet has refused to execute the declaration and assignment.

Applicants respectfully request reconsideration and grant of the originally filed Petition in due course.

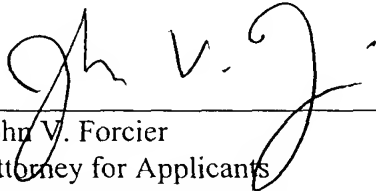
Applicants believe that no fee is required. If, however, a fee is required, please charge Deposit Account No. 20-0531 for any fees required with the submission of this Request.

Respectfully submitted,

Date: April 5, 2002  
Reg. No. 42,545

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